

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STATE OF WASHINGTON, et al.,

CASE NO. C25-1228-KKE

Plaintiff(s),

V.

UNITED STATES DEPARTMENT OF
EDUCATION, et al.,

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANTS'
MOTION FOR RELIEF FROM
DEADLINES**

Defendant(s).

Defendants filed a motion to dismiss on September 5, 2025, noted it for October 31, 2025, and requested oral argument. Dkt. No. 161. Acknowledging that the noting date selected is farther out than contemplated by Local Rules W.D. Wash. LCR 7(d)(4), the Court *sua sponte* issued an order to re-note the motion. Dkt. No. 162. The Court also found that because resolving the motion to dismiss would impact the resolution of Plaintiffs' pending motion for preliminary injunction, the motion should be briefed on an expedited basis. *Id.* Specifically, the Court ordered that Plaintiffs' opposition to Defendants' motion to dismiss must be filed no later than September 23, 2025, and Defendants' reply must be filed no later than September 30, 2025, and that the Court will hear argument on Defendants' motion to dismiss on October 7, 2025. *Id.*

Defendants subsequently filed a motion for relief from those deadlines in light of counsel's long-scheduled vacation out of the country, and the Court ordered expedited briefing of the motion. Dkt. Nos. 164, 166. Plaintiffs oppose Defendants' motion, arguing that granting it would result in

1 prejudice to them and that the scheduling conflict could have been anticipated earlier. Dkt. No.
2 168.

3 The Court generally agrees with Plaintiffs. Defendants waited to file the motion to dismiss
4 until September 5, 2025. Under the Local Rules, the reply brief in support of that motion already
5 would have been due during counsel's long-scheduled vacation, even absent the Court's order
6 requiring expedited briefing. LCR 7(d)(4) ("Any reply papers shall be filed and received by the
7 opposing party no later than 28 days after *the filing date of the motion.*" (emphasis added)). The
8 Court thus finds Defendants could have anticipated this conflict and avoided or ameliorated it in
9 multiple ways, including by adjusting its litigation strategy.

10 The Court finds that to extend the briefing schedule on the motion to dismiss any further
11 would unduly prejudice Plaintiffs, but that a short extension of the oral argument scheduling is
12 appropriate under these circumstances. The Court will maintain the briefing schedule previously
13 imposed (Dkt. No. 162), but will move the oral argument on the motion to dismiss (Dkt. No. 161)
14 from October 7, 2025, to October 9, 2025, at 1 p.m. Defendants may forgo a reply brief, or may
15 assign the preparation of that brief to another Government attorney. *See, e.g.*, Dkt. No. 168 at 7.

16 Accordingly, the Court GRANTS IN PART and DENIES IN PART Defendants' motion
17 (Dkt. No. 164). The clerk shall RE-NOTE Defendants' motion to dismiss and Plaintiffs' motion
18 for preliminary injunction (Dkt. Nos. 49, 161) for October 9, 2025, and the courtroom deputy will
19 enter a notice of rescheduled hearing.

20 Dated this 12th day of September, 2025.

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23 Kymberly K. Evanson
United States District Judge
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